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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/309,211 05/10/99 MURVEIT

H	EXAMINER
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TM31/1020

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ART UNIT	PAPER
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2641 4

DATE MAILED: 10/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/309,211

Applicant(s)

MURVEIT ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on July 18, 2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkey (US 5,127,055).

As per claim 1, Larkey teaches, "a method of adapting a speech recognition system, wherein the method comprises steps of:

"obtaining a sample of a speaker's speech during a first remote session"

(Abstract)

"recognizing the speaker's speech utilizing the speech recognition system during the first remote session" (Abstract)

“modifying the speech recognition system according to the sample thereby forming a modified speech recognition system” (Abstract)

“using the representation of the modified speech recognition system to recognize speech during a subsequent remote session with the speaker” (col. 2, line 56 to col. 3, line 19)

Larkely does not explicitly teach, “ modified speech recognition system in association with an identification of the speaker.” However, Larkely teaches, “a dynamic reference pattern updating mechanism for improving the precision with which incoming unknown speech can be identified, and providing reference patterns which better characterize a speaker’s manner of pronouncing a selected word vocabulary. (col. 1, lines 51-56)” Therefor, it would have been obvious to one of ordinary skill in the art at the time of the invention to train speaker by knowing speaker’s manner of pronouncing a selected word vocabulary so as to recognized speech and user at the same time.

As per claim 2, Larkey teaches, “comprising a step of cumulatively modifying the speech recognition system according to speech samples obtained during one or more remote sessions with the speaker” (Abstract, the quality values are updated, during the speech recognition process).

As per claim 3, Larkey does not explicitly teaches, “the speaker is a telephone caller.” It would have been obvious to one of ordinary skill in the art at the time of the invention to use a telephone instate a microphone so as to users convenience (official notice has been taken based on speaker is a telephone caller).

As per claim 4, Larkey teaches, "wherein the step of modifying the speech recognition system comprises a step of modifying an acoustic model thereby forming a modified acoustic model and wherein the step of storing a representation of the modified speech recognition system comprises a step of storing a representation of the modified acoustic model" (col. 2, line 56 to col. 3, line 13).

As per claim 5, Larkey teaches, "wherein the representation of the modified acoustic model is a set of statistics which can be utilized to modify a pre-existing acoustic model" (col. 2, lines 1-15).

As per claim 6, Larkey teaches, "wherein the representation of the modified acoustic model is a set of statistics which can be utilized to modify incoming acoustic speech" (col. 2, lines 1-15)

As per claim 7, Larkey teaches, "a step of utilizing the modified speech recognition system during the first remote session with the speaker" (col. 1, line 64 to col. 2, line 15).

As per claim 8, Larkey teaches, "wherein the speech recognition system is speaker-independent prior to first remote session" (col. 1, line 64 to col. 2, line 15).

As per claim 9, Larkey teaches, "wherein the step of modifying the speech recognition system is performed during the first remote session" (col. 1, line 64 to col. 2, line 15).

As per claim 10, Larkey teaches, "wherein the step of modifying the speech recognition system is performed after termination of the first remote session" (col. 2, lines 1-15).

As per claim 11, 12 and 16, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtained identification of the speaker during the first remote session, and authenticating the speaker, reasons as stated above in claim 1.

As per claims 13-15, they have similar limitations as claims 8-10, so that claims 13-15 are also rejected for same reasons.

As per claims 17-58, they have similar limitations as claims 1-17, so that claims 17-58 are also rejected for same reasons.

### ***Conclusion***

4. As of October 2, 2000 the former Technology Center 2700 has been split into two centers (TC 2100 and TC 2600), and former Art Unit 2741 has been designated as **Art Unit 2641**, which new AU number should be used in all future correspondence.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **David R. Hudspeth**, can be reached at **(703) 308-4825**.

Any response to this action should be mailed to:

**Commissioner for Patents**  
**Washington, D.C. 20231**

Or faxed to:

**(703) 305-9508**


(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-3900**.

Abul K. Azad

October 18, 2000

  
**DAVID R. HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**